

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

JOHN J. VAUGHN, GERALD A.
KALBFLEISCH, MICHAEL HATHAWAY, and
MYRTLE HATHAWAY,

Plaintiffs,

v.

PUTNAM INVESTMENT MANAGEMENT,
LLC and PUTNAM RETAIL MANAGEMENT
LIMITED PARTNERSHIP,

Defendants.

Civil Action No. 04-10988 (GAO)

**PLAINTIFFS' ASSENTED-TO MOTION TO IMPOUND CONFIDENTIAL
MATERIALS IN CONNECTION WITH PLAINTIFFS' FORTHCOMING MOTION TO
COMPEL CONCERNING PUTNAM'S INSTITUTIONAL ACCOUNTS**

In connection with Plaintiffs' forthcoming motion to compel concerning Putnam's institutional accounts, Plaintiffs hereby move, pursuant to Local Rule 7.2, for an Order permitting a "Confidential Memorandum" and "Confidential Appendix" to be filed under seal and impounded until further order of the Court. As grounds for this assented-to motion, Plaintiffs state as follows:

1. Plaintiffs expect to file within the next two weeks a motion to compel Putnam Advisory Company, LLC and Defendants Putnam Investment Management, LLC and Putnam Management Limited Partnership (collectively, "Putnam") to produce certain institutional account documents.
2. Putnam refuses to produce certain institutional account documents. In order to rebut Putnam's arguments about the relevance of such documents, Plaintiffs need to submit for the Court's consideration certain materials that Putnam has designated as being "Confidential" or

“Highly Confidential” under the parties’ Stipulation and Order For The Protection and Exchange of Confidential and Highly Confidential Information (the “Stipulation and Order”) (Docket No. 43). Plaintiffs need also to discuss these materials in their memorandum in support of the motion to compel.

3. By this motion, Plaintiffs’ request leave to file these materials in a separate appendix marked “Plaintiffs’ Confidential Appendix,” and to discuss these materials in Plaintiffs’ supporting memorandum, which Plaintiffs will mark as “Plaintiffs’ Confidential Memorandum.”

4. This motion is supported by the Stipulation and Order, which provides for the filing under seal of materials designated by the parties’ as Confidential or Highly Confidential.

5. Local Rule 7.2(a) requires that a motion to impound “contain a statement of the earliest date on which the impounding order may be lifted, or a statement, supported by good cause, that the materials should be impounded until further order of the court. The motion shall contain suggested custody arrangements for the post-impoundment period.”

6. Plaintiffs suggest that at the conclusion of the litigation, after any appeals have been exhausted, “Plaintiffs’ Confidential Appendix” and “Plaintiffs’ Confidential Memorandum” be returned to Plaintiffs’ counsel of record for handling in accordance with the terms of the Stipulation and Order.

WHEREFORE, Plaintiffs respectfully request that the Court allow Plaintiffs' Motion to Impound Confidential Materials In Connection With Plaintiffs' Forthcoming Motion to Compel Concerning Putnam's Institutional Accounts.

Respectfully submitted,

/s/ Lisa A. Furnald
David E. Marder (BBO #552485)
Marc N. Henschke (BBO #636146)
Lisa A. Furnald (BBO #631059)
Jonathan D. Mutch (BBO #634543)
Meghan E. Walt (BBO #658971)
Robins, Kaplan, Miller & Ciresi LLP
800 Boylston Street, 25th Floor
Boston, MA 02199
E-mail: lafurnald@rkmc.com
(617) 267-2300

Thomas R. Grady (admitted *pro hac vice*)
Grady & Associates
720 Fifth Avenue South
Suite 200
Naples, FL 34102

Dana Foster (admitted *pro hac vice*)
Ackerman, Link, & Sartory, P.A.
222 Lakeview Avenue, Suite 1250, Esperante
West Palm Beach, FL 33401

Dated: November 2, 2006

LOCAL RULE 7.1(A) (2) CERTIFICATION

I, Lisa Furnald, hereby certify that I conferred with counsel for Putnam Advisory Company, LLC and Defendants Putnam Investment Management, LLC and Putnam Management Limited Partnership on October 31, 2006, and they assent to the relief requested by this motion.

CERTIFICATE OF SERVICE

I, Lisa A. Furnald, hereby certify that on November 2, 2006, this document was served electronically through the ECF System and by first class mail, postage prepaid, to those counsel of record indicated as non-registered ECF participants.

/s/ Lisa A. Furnald
Lisa A. Furnald